ML File 1388 1912

G R. S IX-5]

Previous references

1911 (Jf 2nd.)

File No. 2nd Jf Nos 138

Serial Nos.

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for

SUBJECT

Amendment of the city of Lucknow Improvement Regn III of 1903

Office was seen 9/1/13

G.R.S 11] 1912-1913

GENERAL AND REVENUE SECRETARIAT.

(Rev:)

NOTES

File No

File Heading

Amendment of the City of Bangalore Improvement Regn III of 1903

From

No. Dated Received

Diary No | Enclos Spare Copies. | Serial No

Brief Abstract of Letter

NOTES AND ORDERS

No X

Attention is respectfully invited to the 2nd Commissioner's Note in Mumb: file 65-1912 suggesting the necessity for amending the City of Bangalore Improvement Regn III of 1903 so as to take power to provide an Overbridge at

W

Notes—First Sheet.

GPB—20,000—12-6-11

Serial No.

from the decision of the Local Board and (2) to veto alienations of Local lands where necessary.

Vide 1

The City of Bangalore Improvement Regn III of 1903 is based on the City of Bombay Improvt. Act IV of 1898. Under that Act as under the Regn, the Board of Trustees have power to sell and otherwise convey any immoveable property which may have become vested in or required by them, and there is no specific provision by which Govt can veto the Board's decisions in such matters such a power in the case of the Bangalore City Improvt Board is perhaps necessary in view of the fact that the Govt have such transferred to or vested in the Board specifically any land belonging to Govt on the Municipal Council and the entire fund required for the Board's operations is being advanced from State funds. As regards appeals also, the aggrieved party can seek redress in a Civil Court and no appeal lies to Govt. It is for consideration whether legislation is necessary to secure these powers to Govt and whether it may not be done by a rule framed under Sec 38 cl (1) of the Regn. The Govt Advocate may, if necessary

On Sec 24

NOTE—Contn. sheet.

[G. R. S 12]

General and Revenue Secretariat. | File No. of 1912

Serial No	
	Be Consulted R.O Dup 50 24 3 13 XY 25/3/13
	By Secy) May be consulted as to whether legislation is necessary in this matter, if deemed expedient Dup. 27/3
Rev Dept: Dup 27.3.13	Forwarded to the Government Advocate for opinion. By order Thomindapan 27/3/13 for Secy to Govt Genl Dept.
R. O. 444/1912-5 X IV 1/5 Dup 1.4.13	I have not had the benefit of perusing the Councillor's note relating to the suggested amendments, but I take it that the appellate powers intended to be given to Govt. against the decision of the Board of Trustees relate to appeals against executive as well as judicial orders of the Board in general matters relating to the executive administration Govt. are, even now, Constituted the Controlling authority over the Trust Board Cf §§ 17, 21(3), 32 & 34 of the Reg.ⁿ

NOTE—Comp. check.

GPB—85,000—17-6-12.

Serial No

But there is no provision in the present Reg: Constituting authority for as the appellate authority generally in all matters in which the Trust Board is Empowered to act.

2 With refce to appeals against the judicial orders of the Trust-Board the scheme of the Regulation based as it is on the Bombay Improvement Trust act. IV of 1898 differs in material particulars. Under the Bombay Act a Tribunal Consisting of a President and two assessors is appointed to perform the functions of the Court under the Land Acquisition act, and in any Case in which the President may grant a certificate that the Case is a fit one for appeal an appeal lies to the High Court Under the Kasaba Regulation the Trust Board has power to acquire land by agreement but in all other Cases the acquisition is regulated by the provisions of the Land Acquisition Regulation under sec 54 of which appeals lie to the Chief Court from the award

NOTE—Contin. sheet.

C. R. S 12]

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of the Court to which reference is made by the Land Registration officer

3. In either case legislation has to be resorted to to confer appellate powers on Govt.

4 To enable Govt to veto alienations of the Transfer Deeds lands legislation is likewise necessary. Under sec 38 Govt is empowered only to make rules not inconsistent with the Regn and the power of veto now intended to be exercised by Govt will be in consistent with the provisions contained in the present Regulation —

Secretary for Govt

29. 3. 1913.

NOTE—Contin. sheet.

GPB—S1.000—17-6-12.

Leg-E/13.

6

(, R. S. 12]

General and Revenue Secretariat. | File No. of 191

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6 Submitted with the Hon. Opl Opinion of the Govt Advocate in the matter

As the Govt Advocate is of opinion that a special legislation regarding the matters referred to above is necessary, solicits orders as to whether the file may be sent to be referred to the Legislative Section of Branch III for taking further action in the matter.

Dy Secy 3.4.13

Leg 5/4/13

7 Dy Secy)

8 The amendment of the Trust Board Reg suggested by the 2nd Counsellor may be put into shape by the Legislative Section and dealt with afterwards as per Rules, if this course is sanctioned. The power to hear appeals against the decisions of the Trust Board and to revise their proceedings in suitable cases, must has to be taken by the Govt.

2nd Counsellor 8/4

9) Approved 14/4/13 Leg 16/4

10) I agree. Early action is necessary. 22-4-13 Hon

2517 17-4-13

Dy 24/4

NOTE—Contin. sheet.

GPS—G.209—17-4-12

[G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191

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11) This file may be transferred to Branch III for further action.

24/4/13

min 169 12-13

12) Submitted with a draft Bill as ordered with a statement of objects and reasons as ordered.

26/6/13

13) The two points on which legislation has to be undertaken are :-

(1) Reserving power to Govt to veto alienations of lands made by the Trust Bd

(2) Power to hear appeals against the orders of the Board & to veto them proceedings in suitable cases (vide Dy No 4/3 note dy 8-4-13

As the Administrative branch have not exactly defined the lines taken within which these powers should be taken, a Draft Bill is put up, embodying the views of this branch on the two points

14) As regards the power to veto

NOTE—Contin. sheet.

alienation of lands, there are three courses open:-

(1) It may be provided that every alienation of land made by the Board should be reported to Govt for sanction, on the analogy of sec 40(2) of the Mal Regulation By such a provn complete power can be reserved to Govt to veto any alienation, but it appears to be unsuitable in the case, a reference to Govt would be necessary in every case, involving unnecessary correspondence & loss of time Moreover, it has been found from experience that sec 40 (2) of the Mal Regn is inconvenient & an amendment of that section has been sanctioned by Govt

(2) A second course seems to be to provide for a reserve power to Govt to veto any particular sale or conveyance. In exceptional cases this point deserves to be noticed in this connection To make this course acceptable a time limit will have to be prescribed within which the veto of Govt should be exercised Otherwise, there may not be any security of title to the purchaser

NOTE—Contin. sheet.

GPB—61,000—17-6-12.

Serial No

if the Sale could be cancelled at any time. In the Draft put up, a period of Six months is tentatively suggested.

(3) The third course would be to provide that all alienations above of immovable property above a certain prescribed value should be reported to Govt for confirmation

15) On this point, two alternative Drafts on the lines indicates item (2) & (3) are put up for approval or other orders. The power to veto is restricted to immovable property

16) As regards appeals & revision it is proposed to insert a new Chapter VII, numbering the present Chapter VII as VIII The draft clauses are based on the provisions of the L R Code regarding appeals & revision, but are somewhat simpler

Submitted for orders

17)

By Law) 28/7

37A to 37D and the proviso to Sec 25, as drafted, appear suitable The alternative clause or proviso to sec 25 may be omitted

Draughtsman 29/7

18) 1st consultation

19) I wish to see the file which gave rise to this question

2/8/13

Note—Contin. sheet.

R S 12]

General and Revenue Secretariat

File No. 1177 of 191

Serial No.

20) Jo Bs IV for Kindly putting up the file

Spdl 3/8/13

Send the connected file as called for by the 1st Councillor is now in the Secretary's Office and has been marked for information and discussion in Council, and will be kept there available (Please see contin note)

(38) 11/8/13 Nil

10 Secy

The file is obtained from the Dewan's Office & put up. It is now pending Dewan's order & is wanted back only

1st Cr) Spdl 12/8

I have gone through the Improvement Regulation with a view to see whether there is any room (or necessity) for provisions about appeal & revision. In all executive matters the Board is as much subordinate to Govt as any department under it, and if

NOTE—Contin. sheet.

GIE—66,000—17-C 12.

Serial No.

will have to follow directions given quite as implicitly. The funds are all provided by Govt and Govt which created the board may dissolve it at any time. On the score that the Bd may prove recalcitrant at any time, we need not provide a rule about appeals.

24 The scheme of the Regn does not admit of any appeals. The Board can interfere with private rights only by Compromise (S. 11) or agreement (S. 22) or by acquiring lands under the law relating to Land acquisition. When any act or omission of one the part of private persons has to be enforced, recourse must be had to Courts of Magistrates. In the case of agreement or Compromise, no appeal will be necessary, and when proofs are taken

NOTE—Contin. sheet.

Serial No

before Courts. appeals &c are provided for by the general law of procedure relating to such Courts.

In the case of Municipalities and District Boards which are of an analogous nature, no appeals (as far as I am aware) to Govt are provided for. If such bodies do any acts ultra vires, they are accountable to the Parties whose rights are affected in the ordinary Courts by suit or prosecution. The remedy is generally efficacious.

In revenue matters, appeals are allowed to Govt, because Revenue Offrs exercise quasi judicial Powers (affecting rights of private Parties) and ~~functionaries~~ are directly subordinate to Govt & exercise

GPB—65,000—17-6-12.

[F 5 12]

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all their powers presumably as agents of Govt.

27) With due deference, therefore, I am of opinion that the proposed amendment of the Mysore Improvement Regulation is undesirable & unnecessary and may be dropped.

19/8/13

Dewan

4774 22-8-13

Sd 21/8

28) I should be obliged if the 2nd member of Council would kindly do me the favour to confer with the 1st member & favour me with their joint recommendations by post.

23.1.14

2nd member

Sd 29/1

In 2nd column above the last line may be read as follows & signed by the Secretary & dated & initialled by the Dewan.

NOTE—Contin. sheet.

GPE—88,000—17-6-12.

R. S 12]

General and Revenue Secretariat

File No. of 191

Serial No.

Subj: This file was received linked with Annual file 111 of 1915 about the proposal for the Constitution of a Trust Bd. for the Bangalore City. The terms of the general note recorded at page 13 by the Personal Assistt. to the 2nd Member and also at page 307 C.O No. 1463-7 dated the 9th August 1915 and 131-13-53

No further action in this file seems called for. If approved, there may be file

25/3/16 Sds In order whether the proposal may be filed or further action treated as

27/3 closed

Secretary

Hon 30/3

MT 3/4/16

Hon Offg

187 for Secretary Dewan

5-343 5-4-16

In view of the circumstances stated, the Dewan thinks that the papers may be filed

Spr 30/3/16

Dewan

NOTE—Contin. sheet.

GPB—65,000—17-C-12.

} R S 12]

General and Revenue Secretariat.

File No. of 191

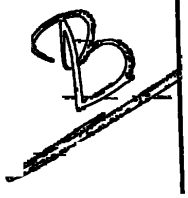
Serial No

Subject

This file will now be returned to BS IV

30/3/17

EB 4/5



NOTE—Comin. sheet.

GPB—88,000—17-6-12.

Draft

A Bill further to amend the city of Mysore Improvement Regn., 1903

Whereas it is expedient further to amend the city of Mysore Improvement Regn., 1903; His Highness the Maharaja is pleased to enact as follows:-

1. The following proviso shall be added to at the end of section 25 ~~of section 25~~

"Provided that the Govt may, at any time for any reason within ~~six~~ ... months after the date of such sale, for ~~and for any person~~ ~~if they become aft~~, veto such sale or conveyance.

2. The following new section as see 25-A shall be added after see 25-

"25-A On Govt vetoing a sale under the proviso to clause (2) of see 25, such sale shall abinio be cancelled and the

Alternative

The following proviso shall be added at the end of Sec 25

Provided that if the value of the sale or conveyance of any immoveable property which may have become referred to in Sub clause 2 of this section exceeding Rs in value such Sale or Conveyance shall be subject to Confirmation by Govt

Adding a proviso to clause (2) of see 25-

any Sale or conveyance of any moveable or immoveable property referred in cl (2) of this section

Adding of a new see as see 25A after see 25-

Effect of veto under proviso to clause (2) of see 25

if it has already vested in the purchaser shall forthwith revest and vest in the Board, the purchaser becoming entitled to compensation for any reasonable loss that he should thereby sustain.

3. After chapter VI ~~or chapter VII~~ a new chapter ~~or chapter VIII~~ — "Appeals and Revision" shall be added and the following new sections shall be added thereunder.

Addition of a new chapter and new sections thereunder

At the end of Chapter VI the following Chapter VII shall be added as Chapter VII ~~or~~ the present Chapter VII being renumbered as Chapter VIII

~~or~~ 37) An appeal shall lie to Govt against any order or proceeding of the Board ~~sanctioned~~ under this Rule at the instance of any private party aggrieved by such order or proceeding.

Appeal to Govt lie to Govt from any decision or order of the Board

37 B In any case in which an appeal has been preferred to Govt, it may, pending the decision on the appeal direct the execution of the decision or order of the Board to be suspended.

In any such appeal, Govt may pass such order as it deems fit.

Power to suspend execution of order of the Board

37 C

37(c)

Power to call for and examine the records and proceedings of the Board.

The Govt may either of its own initiative or at the instance of any person interested, call for any enquiry or the proceedings of the Board in order to satisfy itself ~~thereupon~~ the as to the legality ~~or the propriety of any proceedings of the Board or as to the legality or propriety~~ of any decision or order passed by the Board.

And to pass orders

If it appears to Govt that the Board's proceedings decision or order passed by the Board in any case should be modified, annulled or reversed, the Government may pass such order thereon as it deems fit and ~~thereupon such proceeding shall~~

27/6/13

Statement of Objects and Reasons

The city of Mysore Improvement Regn., 1903 does not give power to Govt to entertain appeals against the orders or decisions passed by the Dist Board under the powers vested in them by the Regulations. Nor is there any power to veto any alienation of property made by the Board. Government think it desirable that such powers should be retained by them and have therefore framed this Bill.

However, ~~it does not provide for under the Regn the Bd can alienate immovable property there is no power reserved to Govt to veto any alienation of immovable property made by Bd which Govt when it is considered necessary or desirable by Govt in public interests~~

Draft

A Bill further to amend the City of Mysore Improvement Regn, 1903.

Whereas it is expedient further to amend the City of Mysore Improvement Regn, 1903; His Highness the Maharaja is pleased to enact as follows:-

*1. The following proviso shall be added at the end of section 25

"Provided that the Govt may, for any reason and at any time within six months after the date of any sale or conveyance of any immovable property referred to in cl (2) of this section vote such sale or conveyance."

2. At the end of chapter VI the following shall be added as chapter VII, the present chapter being renumbered as chapter VIII

37A An appeal shall lie to Govt against any

---

* Alternative clause

1. The following proviso shall be added at the end of section 25.

"Provided that if the Board sell or convey any immovable property referred to in sub-clause 2 of this section exceeding rupees ... in value, such sale or conveyance shall be subject to confirmation by Government."

This may be omitted

Draw 9/47

order or proceeding of the Board passed under this Regn at the instance of any private party aggrieved by such order or proceeding. And

On any such appeal Govt may pass such order as it deems fit.

37B. In any case in which an appeal has been preferred to Govt it may, pending decision on the appeal, direct the execution of the decision or order of the Board to be suspended.

37C. The Government may either on its own initiative or at the instance of any person interested, call for any enquiry on the proceedings of the Board in order to satisfy itself as to the legality or the propriety of any decision or order passed by the Board.

37 D. If it appears to Govt that the proceedings, decision or order passed by the Board in any case should be modified, annulled or reversed the Govt may pass such order thereon as it deems fit."

Statement of objects and Reasons

The city of Mysore Improvement Regn, 1903, does not give power to Govt to entertain appeals against or revise the orders or decisions passed by the Trust Board under the powers vested in them by the Regulation ~~Further~~ there is no power reserved to Govt to veto any alienation of immovable property made by the Board when it is considered necessary or desirable by Govt in public interest. It is considered desirable that such powers should be vested in Govt by it and hence ~~therefore~~ proposed this Bill. has accordingly been framed

Sd/-

2? Councillor's note dated the 4th February 1913 recorded in Connection with the petition of A. Shireen Mudaliar, Proprietor of the Universal Stores, Mayore City, Complaining against the decision of the Trade Rd. declining to grant their permission to build on a portion of this site in "Laboloni" Indian Extension of the City.—

2165-1912

"

"I feel it is time that the
"Regulation in question is so amended
"as to reverse power to some to
"entertain such appeals and also
"to test the alienation of Trade land
"such properly done so. The absolute
"power now vested in the Board in

Mayo

"these matters is liable to abuse
"as has been apparent in certain
"recent instances"

Sir Leeds note :—

" Submit the general question
raised by the 2nd Commissioner respectfully "

Appointment of whole-time President of the Mysore City Municipal Council and Chairman, Trust Board.

No 1143-7—Ml. 131-13-53, dated 9th August 1915

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE DEPARTMENTS

Read—

Government Order No 7035 8—Ml 295-12-1, dated the 4th March 1913, directing the appointment, as a tentative measure, of Mr T G Lakshmana Rao, Executive Engineer, 4th Class, temporary, as whole-time President of the Mysore City Municipal Council and Chairman of the Board of Trustees for the City Improvements on a salary of Rs 500 *plus* Rs. 100 local allowance per mensem

2 Letter No 17, dated the 13th August 1913, from the Chairman, Mysore City Improvement Trust Board, submitting for orders a copy of the Board's Resolution recommending that the allowance of Rs. 200 a month which used to be drawn by the Deputy Commissioner of the Mysore District, as Chairman of the Board, may be given to Mr Lakshmana Rao also

3 Letter No 761, dated the 30th April 1914, from the Deputy Commissioner, Mysore District, submitting, with his own opinion, the report of the Municipal President and Chairman on the result of the working of the arrangement ordered in the aforesaid order during the period of twelve months

Order No 1143-7—Ml. 131-13-53, dated 9th August 1915

In the order cited above the old arrangement under which the Deputy Commissioner of the Mysore District was the *Ex-officio* Municipal President and Chairman of the Trust Board was done away with and, as a tentative measure, Mr Lakshmana Rao, Executive Engineer, 4th Class, temporary, was appointed whole-time Municipal President and Chairman of the Board of Trustees, Mysore City, on a salary of Rs 500 *plus* Rs 100 local allowance, and a report was called for on the result of the working of that arrangement after a year's experience to enable the Government to consider whether it might be continued with advantage and whether the Board of Trustees might also be amalgamated with the City Municipal Council under suitable conditions.

2 That report has since been received Both the Municipal Council and the Board of Trustees consider that the new arrangement has worked satisfactorily and recommend that the same may be made permanent, the two bodies existing side by side as independent entities The Deputy Commissioner of the Mysore District is also of opinion that the scheme is found to be more satisfactory than the old system under which the Deputy Commissioner with the Revenue administration of the largest district in the State was also President of the Municipality and Chairman of the Trust Board and could not devote the required attention to the work of those bodies

3 Government consider that the present system of having a whole-time officer as President of the Municipal Council and Chairman of the Trust Board has not had a sufficiently long trial to justify its being made permanent as recommended by the two bodies They are accordingly pleased to direct its continuance till the end of the current official year

4 In view of the multifarious duties devolving on Mr T G Lakshmana Rao as Municipal President and Chairman, Government are pleased to direct that the local allowance of Rs 100 per mensem now drawn by him be raised to Rs. 200 a month with effect from the date of this order

5 Government are further pleased to view with favour the repeated representation of the Mysore City Municipal Council that their President should be permitted to correspond with Government direct as in the case of the Bangalore City Municipal Council, and direct that, in future, the restriction imposed in Government Order No 2024-5—Ml 295-12-20, dated the 19th August 1913, in this respect be considered as withdrawn

6 A report similar to the one read above for the subsequent period of two years may be submitted so as to reach the Secretariat in the first week of May 1916

V R. THYAGARAJA IYER,
Secy to Govt, Rev Dept

To—The President, Mysore City Municipal Council
The Chairman, Mysore City Improvement Trust Board
The Deputy Commissioner, Mysore District.
The Chief Engineer of Mysore
The Comptroller to Government.

Mxd.—c. b.